
EPA-State Performance Partnerships
Examples of Flexibility and Innovation¹ -- January 2002

Joint planning and priority setting/performance partnership agreements

- R1 PPA/Compliance Strategy schedules have been coordinated with the State fiscal year instead of the Federal fiscal year to reduce reporting burdens on the State.
- R5 R5 has shared goals, indicators, and targets with their States to better integrate water activities and improve ability to measure and report on changes in water quality. States and the Region will be collectively accountable for meeting the shared goals.
- R7 EPA managers now meet more frequently with State Directors, including holding open forums on setting priorities and other issues.
- R7 R7 developed a Program Review Protocol to establish a consistent rationale for conducting program reviews and ensure decisions are fully coordinated across all R7 programs. The Protocol has been integrated with the joint evaluation process required by the Part 35 grant rules.
- NJ Most of the State's long and complex PPA will be in the form of a database that will make it easier for those not involved in the negotiation to understand the linkages between goals, outputs, and outcomes. It will also help both partners more readily determine what progress has been achieved.
- WI State is combining their PPA and annual self assessment report into one evolving document. Combining the reports on the web will allow commitments and progress to be reviewed side by side and may help making tracking progress and performance more efficient.
- IL In a pilot effort designed to avoid duplicate reporting, the State will combine its Quality Management Plan reporting and review responsibilities into its annual PPA cycle.
- NH Based on its strategic plan, State has developed a mixed set of 200 environmental indicators, outcome measures, and output measures; they are included in the PPA.
- TX For its PPA and grants, State now uses its own strategic plan structure, which is required by the State legislature, in lieu of traditional categorical work plans.
- TX State divides its strategic plan into core (consistent year after year) and non-core commitments (non-recurring based on changes in EPA guidance or new State initiatives). This means the State strategic plan requires fewer revisions.

Grant funding flexibility

- R9 Three States and four Tribes receive consolidated cooperative agreements in the Superfund program. With this flexibility, CA funded characterizing public school siting properties for hazardous waste problems, and NV supported investigation of a possible cancer cluster in Fallon.

¹Most of the items in this summary are examples of innovation and flexibility that are already in place. Proposals still in the negotiation stage are marked with a (P).

- DE Based on State testing that they present an environmental problem, EPA allowed the State to use RCRA funds for investigation of salvage yards, which are not typically considered to contain hazardous waste.
- DE EPA and State are considering use of Superfund grant funds to perform anthrax assessments at State office buildings. *(P)*
- LA The time-period for a PPG was extended to allow the State to use some funds to address deteriorating air quality problems in Calcasieu Parish and cross-media permit training.
- MD State has proposed a PPG to address the cross-cutting topic of Information Technology. *(P)*
- ME ME proposes to use CWA 319 nonpoint source (NPS) source funds to address problems in both (303(d)) impaired waters, as is required by current guidance, as well as in priority threatened waters. *(P)*
- NE Through the PPG, State was able to overmatch the funding for the water and air portions to cover the RCRA cost-share requirement, for which they did not have sufficient funds.
- NE State was able to receive PPG carryover funds without fully matching them. These funds were used to support innovative projects including environmental programs for rural areas, special training, and cross-media initiatives.
- NH PPG carryover funds supported projects and initiatives that would otherwise not have been possible, such as: staff positions related to mercury reduction and sprawl, instream flow, volunteer rivers assessment, dam removals and river restoration, environmental management systems, UST and watershed-related program administration; summer interns to help set up information management initiatives; outreach on particulate matter; and purchase of a shellfish monitoring boat.
- TX State used unexpended PPG funds to address its NPDES permit backlog; R6 also provided access to a national EPA contract to assist in reducing the backlog.
- TX State split 319 NPS funds between a categorical grant and a PPG. The PPG portion was used primarily for staff support for the NPS program; the categorical portion was used for activities that are contracted outside the agency, such as TMDLs.
- VT State has asked to be allowed to use CWA 319 (NPS) money to fund staff salaries because of severe State budget problems. *(P)*
- WY Under PPG, State is using funds saved from not performing a non-critical study to increases in staff salaries to make them competitive.

Administrative streamlining

- CT Based on continued good performance, the R1 documents -- but no longer requires formal amendments -- when the State makes small shifts in grant funds.
- DE A pilot program exempts the State from some Superfund administrative requirements so they can substitute sites they plan to work on without first having to get EPA approval; State can also submit final site assessment reports to EPA without submitting a draft first.
- DE State has proposed more administrative flexibility in the grants application process, particularly with regard to development and review of support for budget detail. *(P)*
- OK State uses its FOCUS document as the PPG grant work plan; it provides EPA with needed level of information while reducing State paperwork.

- OR Based on data showing that Portland air emissions were being caused by area and mobile sources, Oregon shifted some resources away from air point sources to address them.
- PA EPA provided State with flexibility to fund contracts for broad-based activities without having specific final approved contracts in place.
- StReg Consistent with Tribal traditions, the St. Regis Tribe proposed that oral reports replace written mid-year and end-of-year reports under the PPA/PPG. Regional notes taken during the oral report would become both the report and record of the review meeting.
- WA Some CWA Sec. 106 ground water funds are being used to support TMDL development.

Work sharing

- R3 For years, State and local agencies used EPA air funds to provide equipment and analytical support to other agencies in the Region. The 17 labs now in place also provide laboratory support to EPA.
- R5 States and Region 5 proposed IPAs to give State agencies experienced Region 5 staff members to assist with program operations and to encourage Inter-Agency learning experiences. The Region agreed to post two State-submitted IPA opportunities per State and encourage staff to apply; several IPA staff are now in place.
- R10 EPA agreed to a division of work with Washington and Oregon to address the impacts of forestry in the Pacific Northwest; the States will focus on State and private lands, while EPA will work with Federal land management agencies.
- R7 PPG workplans in several R7 States contain joint commitments which require EPA participation or EPA resources for completion of work. R7 generates a semi-annual report to each State outlining EPA's progress on its commitments to the States.
- CO R8 will perform direct implementation RCRA corrective action work at seven facilities and approved RCRA program re-structuring and other changes.
- LA R6 will help State reduce its backlog of NPDES permits, a material weakness in the program, by using Sec. 106 resources as in-kind assistance to include in a national EPA contract to draft NPDES permits. R6 staff will also draft some major permits.
- MA Under a work-sharing arrangement, the State, which does not have program delegation, takes the lead role for developing some NPDES permits.
- MD EPA is providing laboratory support services for groundwater samples obtained in association with investigation of the release of MTBE and TBA from underground storage tanks.
- NY A water monitoring program is part of the West Nile Virus-related pesticide applications. In a work sharing arrangement, EPA is collecting and analyzing water samples from New York City while the State covers the rest of the State.
- WI In a one-year effort to free up State resources to develop Title 5 air permits, EPA is conducting air inspections at 40 facilities. All inspection reports and potential enforcement findings were referred to the State for follow-up action.
- WI The Fox River has been recognized as a joint priority between Wisconsin DNR and EPA Region 5. The PPA contains a joint work plan with activities for each agency to do and report to each other. EPA will help the State in the process leading to the Record of

Decision, Remedial Design, and Remedial Action. The goal is to produce a Record of Decision within 2002.

Compliance and enforcement

- MA Joint planning for compliance and enforcement covers national, Regional, and State priorities; State and EPA identify priorities to be carried out independently by EPA or the State and those to be carried out cooperatively by EPA and the State.
- MA EPA supports the MA Environmental Results Program (ERP) for industry sectors. EPA, is helping by providing regulatory flexibility; working to extend the concept to other States, and funding related measures development and data projects.
- NJ In support of the Coal Fired Power Plant NSR/PSD investigations, EPA and State are sharing information, jointly deciding on appropriate enforcement actions and possible settlement terms and conditions, and presenting a unified front to the company involved.
- NY EPA funded the State to conduct pollution prevention workshops for colleges and universities. The strategy also included compliance assistance and compliance incentives to be followed later by inspections and follow-up enforcement to address violations.

Inspection targeting

- R1 Target inspection levels have been adjusted in nearly every State. VT has reduced inspections to place priority in issuing RCRA permits. ME has reduced inspections to emphasize State clean-up sites and a difficult enforcement case. ME has changed inspection commitments to support an unexpected large investigation. RI reduced inspection to focus on developing new RCRA regulations.
- R1 All R1 States can substitute RCRA inspections of large quantity generators (LQGs) with inspections of facilities in sensitive locations, specific sectors, or facilities the State considers to be of higher risk or priority.
- MA To accommodate their multi-media and strategically-based inspection targeting, the State sets it inspection “goals” using EPA’s media-specific guidance, but commits to inspection levels each year that are lower than these goals as well as to a set of multi-media inspections they will carry out.
- IL State will reduce the number of RCRA Large Quantity Generator inspections by 20% to direct more resources toward compliance assistance surveys and technical assistance in criminal investigations. EPA will pick up the remainder of the inspections.

Program delegation and authorization

- MA State has proposed language to EPA for new RCRA regulations it hopes will meet the “equivalent and no less stringent” test for program delegation; Region I will consult with HQ regarding flexibility on these proposals. (P)

- MA EPA and State are exploring ways the State can receive authorization for the RCRA Corrective Action program under existing hazardous waste clean up law and program. (P)
- MA State proposal encourages EPA to adopt a functional equivalency provision in its regulations to encourage States to develop alternative programs which, if producing the “same or better” environmental results, would be approved as “functionally equivalent.”(P)

Pollution prevention

- MA State is expanding efforts to reduce diesel pollution through a pollution prevention strategy in which EPA and State will work together to require retrofits on construction equipment, inspecting and testing of diesel buses and trucks, and promoting use of low sulfur diesel fuel for vehicle fleets.
- MD Using PPIS funding, State will provide assistance to up to 20 organizations in the implementation of an ISO 14001-based environmental management system.

Information management

- R7 R7 is building better partnerships with its States on data management. There are semi-annual meetings between State Chief Information Officers and R6 information personnel.
- IL EPA will share non-confidential information collected under TSCA regarding businesses in the State. This will allow the State to focus on toxic chemical risks in a more preventive, integrated way.
- NE First R7 Trading Partner Agreement (TPA) identifies activities EPA and State will undertake to exchange facility identification information.
- OH State will send R5 hard copies of import notifications from facilities as they are received instead of preparing an annual report. Under this approach, R5 can take a more timely enforcement action if needed.

Other

- R7 R7 developed an web-based application to provide States with access to information about and register for Regional training. R7 hopes to expand the website to include State-sponsored training.
- MA EPA and State worked together to set a common expiration year for all NPDES permits in a watershed; the cycle is synchronized to the fourth year of a five-year watershed cycle under the Massachusetts Watershed Initiative.
- CA Through the CALFED Bay Delta Program, government and private stakeholders are developing specific proposals to address water quality issues.
- MA To conserve resources, MA grouped a number of similar TMDLs for several watersheds into a single document and had concurrent public hearings and comment periods. A current example is TMDLs for ponds and lakes for noxious aquatic plants or excessive nutrients. TMDL documents have both water-body specific portions and certain common sections such on methodologies.